

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES FITZGERALD AUSTIN,

CIVIL ACTION NO. 14-12610

Plaintiff,

DISTRICT JUDGE PAUL D. BORMAN

v.

MAGISTRATE JUDGE R. STEVEN WHALEN

PAMALA THOMPSON, et al.,

Defendants.

/

ORDER DENYING APPOINTMENT OF COUNSEL

Plaintiff, proceeding *pro se* in this civil rights action brought under 42 U.S.C. §1983, has filed a motion for appointment of counsel [Docket #15].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6th Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. At this point, Plaintiff’s motion to appoint counsel is premature. If Plaintiff’s claims ultimately survive dispositive motions, he may renew his motion for appointment of counsel

at that time.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for appointment of counsel [Docket #15] is **DENIED WITHOUT PREJUDICE**.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: October 20, 2014

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on October 20, 2014, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen